



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

Coastal Branch
Regulatory Division

November 7, 2011

**JOINT PUBLIC NOTICE SAM-2011-00476-MJF
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PROPOSED IMPACTS ASSOCIATED WITH THE
EXCAVATION OF A PRIVATE BOAT BASIN AND WIDENING OF A BREACH
CONNECTING THE TCHOUTACABOUFFA RIVER, CONSTRUCTION OF A FINGER PIER
AND CHANNEL GRADE CONTROL STRUCTURE AND BULKHEAD AND RIPRAP
SHORELINE PROTECTION
HARRISON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the River and Harbors Act of 1899. Please communicate this information to interested parties.

APPLICANT: **Mr. Steven Kingsley**
12012 Rio Lado Lane
Biloxi, Mississippi 39532

AGENT: **Coastal Environments, Inc.**
812 Water Street
Biloxi, Mississippi 39530

WATERWAY: In the Tchoutacabouffa River, Section 6, Township 7 South, Range 9 West, USGS 1:24 Quad Name: MS-Biloxi, HUC 3170009, Biloxi, Harrison County, Mississippi (Latitude 30.458 North, Longitude -88.920 West).

WORK: The applicant proposes to construct a boat basin, finger pier, channel grade control structure, widen a breach to the Tchoutacabouffa River and install riprap and bulkhead shoreline stabilization. Proposed work would include excavation of an upland area adjacent to an unnamed channel with a breach to the Tchoutacabouffa River for the construction of a private boat basin. The basin would measure approximately 120-foot-long by 54-foot-wide and to a depth of -5 feet. Approximately 1,268 cubic yards of material would be removed from uplands with an additional 118 cubic yards of material from the adjacent unnamed channel. A 4-foot-wide by 55-foot-long

finger pier would be constructed along one side of the boat basin. Dredging of approximately 474 cubic yards of material to widen and deepen an existing breach between the unnamed channel and the Tchoutacabouffa River. Currently the existing breach is approximately 25 feet wide and +0.5 feet deep. Upon completion of excavation the breach would be approximately 25 feet wide and -5 feet deep. All dredged material would be placed on uplands adjacent to the unnamed channel and properly stabilized to prevent reentry into the waterway. Thirty linear feet of riprap would be placed on the north side of the excavated boat basin along the unnamed channel. A channel grade control structure would be constructed within the unnamed channel upstream of an existing bridge crossing at the northern end of the site to reduce velocity of channel flow. Construction of 374 linear feet of bulkhead would be placed along the Tchoutacabouffa River and around both ends of the breached area. The new bulkhead would tie in to adjacent property owners existing bulkheads on both sides of the applicant's property.

EXISTING CONDITIONS: The project area is a maintained private single-family residential lot. The land is predominantly a flat lawn surface gently sloping down to a shallow, narrow drainage channel which becomes a fully-functioning unnamed stream channel on the adjacent property. This channel parallels and connects to the Tchoutacabouffa River by an existing breach on the western portion of the applicant's property. The channel continues to flow north on adjacent property and empties into the Tchoutacabouffa River approximately 595 yards from the existing breach.

PROJECT PURPOSE: The applicant stated the following for their project purpose and need: "The purpose of the project is to provide river access as well as a boat slip for the applicant that will provide natural protection for his personal watercraft that would otherwise be subject to damage from storm debris and wakes caused by recreational boating activities. Also, the bulkhead will provide bank stabilization to the applicant and adjacent property owner's eroding property downstream."

The Corps initially determined the basic project purpose is for the construction of a boat slip, dredging for boat access and bulkheading for shoreline protection, and would be considered a water dependent activity.

ALTERNATIVES: The applicant's stated alternatives for his proposed project are as follows: The first alternative would be for the applicant to apply for a jurisdictional permit to construct the project as proposed.

The second alternative would be the construction of a scaled-down version of the proposed project which would result in less negative impacts.

The third alternative is the no-action alternative. Through not allowing development of the project, the applicant would be limited to docking his boat on the Tchoutacabouffa River thereby being subject to damage as well as shoreline erosion.

Additional coordination regarding alternatives will be performed with cooperating Federal and State agencies.

MITIGATION: The applicant has proposed no mitigation for the permit action. Final compensatory mitigation will be evaluated by the Corps and cooperating resource agencies throughout the review process for the proposed project.

The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a) (1) of the Clean Water Act and upon completion of the required advertising; a determination relative to certification will be made.

The applicant has applied for coastal zone consistency from the State of Mississippi Department of Marine Resources in accordance with Section 57-15-6 of the Mississippi Code Annotated. A determination relative to consistency will be made by the Mississippi Department of Marine Resources.

ENDANGERED SPECIES: The U.S. Fish and Wildlife Service (FWS) lists 15 endangered, threatened or candidate species as occurring or potentially occurring in Harrison County. Based upon preliminary review of this application and the U.S. Department of the Interior's list of Endangered and Threatened Wildlife and Plants, a preliminary determination has been made using the Standard Local Operating Procedures for Endangered Species (SLOPES) that these activities designated for the project site may affect, listed or endangered species or their critical habitat, particularly the Gopher tortoise (*Gopherus polyphemus*), the Alabama red-bellied turtle (*Pseudemys alabamensis*), the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), and the Louisiana quillwort (*Isoetes louisianensis*). Notification to the FWS will be furnished via this Public Notice.

Further evaluation will be performed to determine the potential impact to critical habitat and/or additional species. The National Marine Fisheries Service (NMFS) requires the evaluation of impacts to Essential Fish Habitat (EFH) of estuarine species. This notice initiates the EFH **informal consultation notification** of the Magnuson-Stevens Fishery Conservation and Management Act. Further coordination with the NMFS and the FWS will be performed on the proposed project. **Formal consultation with both the NMFS and the FWS may be required as additional information is gathered and coordination is performed.**

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. In accordance with Appendix C of 33 CFR Part 325, the Corps has determined that the permit area is the full area of development for the overall project footprint. **The applicant has consulted with the Mississippi Department of Archive and History (MDAH) on the proposed application. The MDAH responded by letter dated March 15, 2011 (MDAH Project Log #01-037-11) stating the project is unlikely to affect cultural resources.**

We are seeking comment from the SHPO, Federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize or mitigate

any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The District Commander remains the final decision authority.

COMMENTS: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the Corps can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this Public Notice should refer to Public Notice Number **SAM-2011-00476-MJF**; and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Attention: **Ms. Maryellen J. Farmer**, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Attention: **Ms. Florance Watson, P.E.**, Post Office Box 2261, Jackson, Mississippi 39225 and the Mississippi Department of Marine Resources, Attention: **Ms. Lynn Moore**, 1141 Bayview Avenue, Suite 501, Biloxi, Mississippi 39530.

Comments should be received no later than **30 days** of the date of this public notice.

If you have any questions concerning this publication, you may contact the project manager for this application, **Ms. Maryellen J. Farmer** (maryellen.j.farmer@usace.army.mil), phone **(228) 523-4116**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at: www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

<https://orm.usace.army.mil/orm2/?p=101:229:1034563918109595:HO>
 Convert Select

DA Map - SAM-2011-004...
 Coastal Mississippi Team SAM-2011-004...
 Role Preferences FORM Reports Logout

Folder Location Aquatic Resources Jurisdiction Impacts/Mitigation Map Letters Documents Contacts Regulators Comments

ORM2
 Home Maps Search SAM-2011-00476.MIF Help

Query Layer Enter Data Number Office Map Run Basemap Scale 1:13,542

PROJECT LOCATION

R1 AR Off SV Off OV Off TF Off CS Dist Area ORM Waters of the US -88.91738, 30.45470 Longitude/Latitude (NAD 83)

Map Ready

(7 items remaining)

start DA Map - SAM-2011-... Index - Microsoft Out... PM SAM-2011-00476-... Local Intranet 100% 9:46 AM

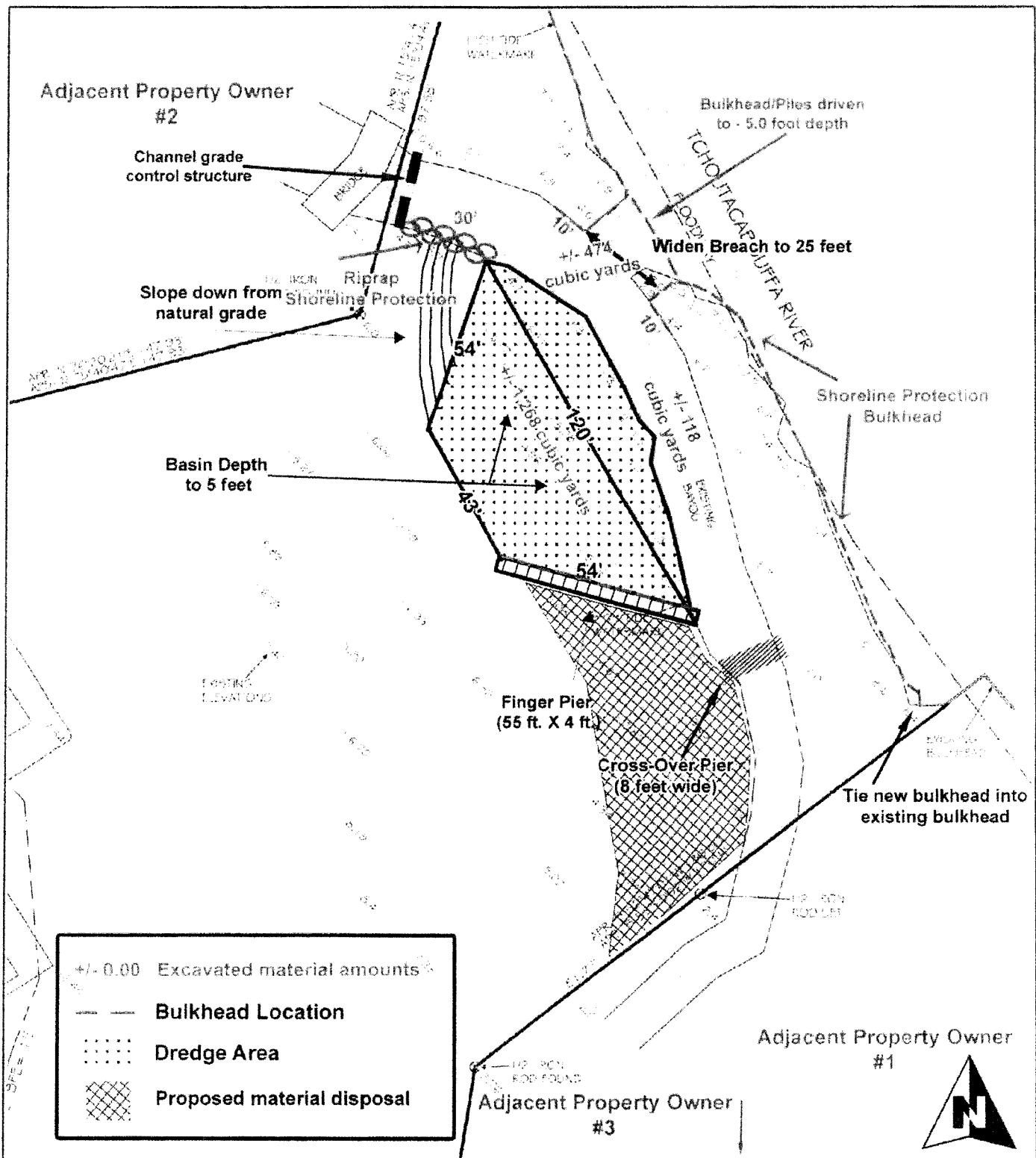


FIGURE 1
STEVEN KINGSLEY

PN SAM-2010-00476-MJF

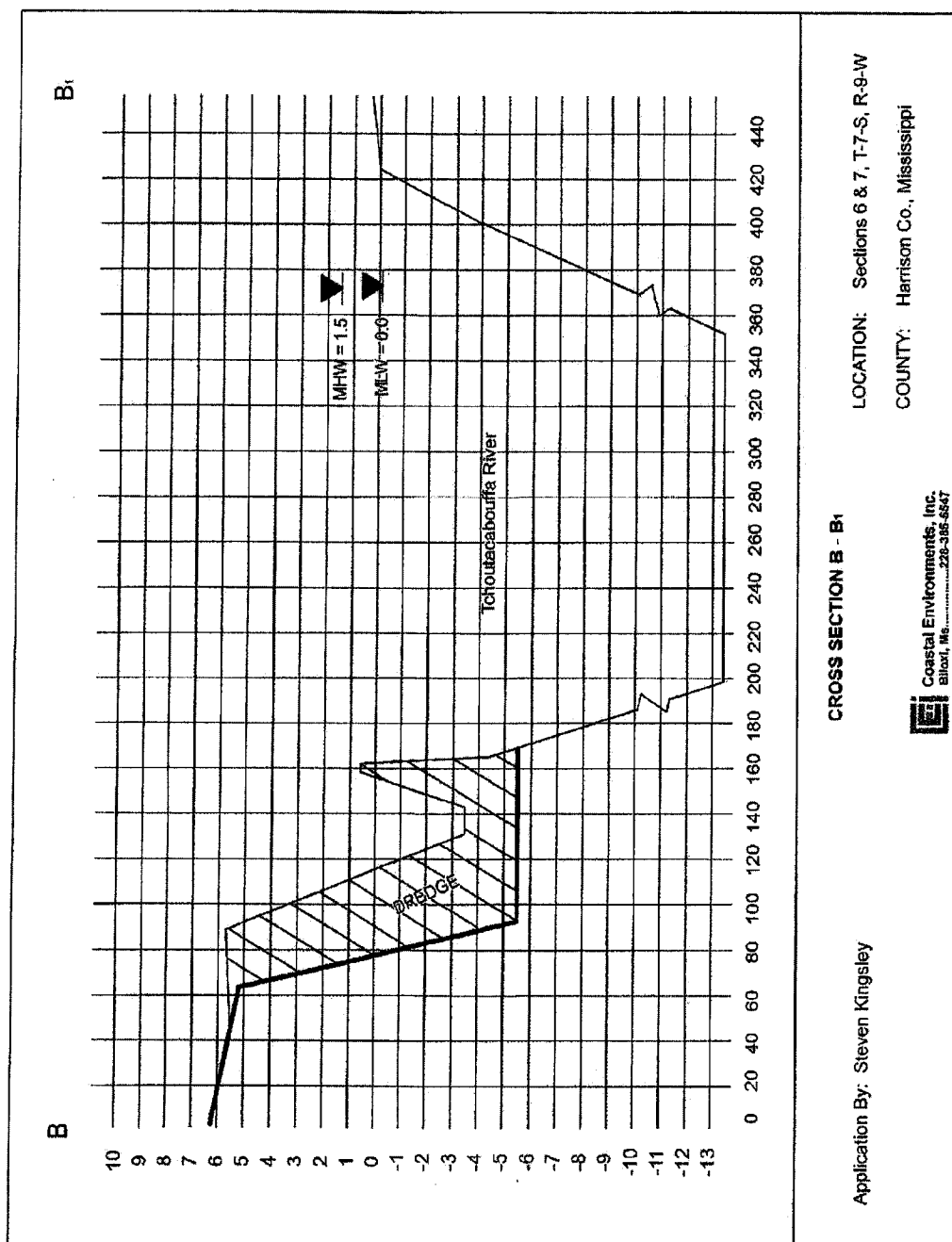


Figure 3. Cross Section B-B1 as referenced in Figure 2. Steven Kingsley property in Sections 6 & 7, T-7-S, R-9-W, Harrison County, MS

FIGURE 2
STEVEN KINGSLEY

PN SAM-2010-00476-MJF

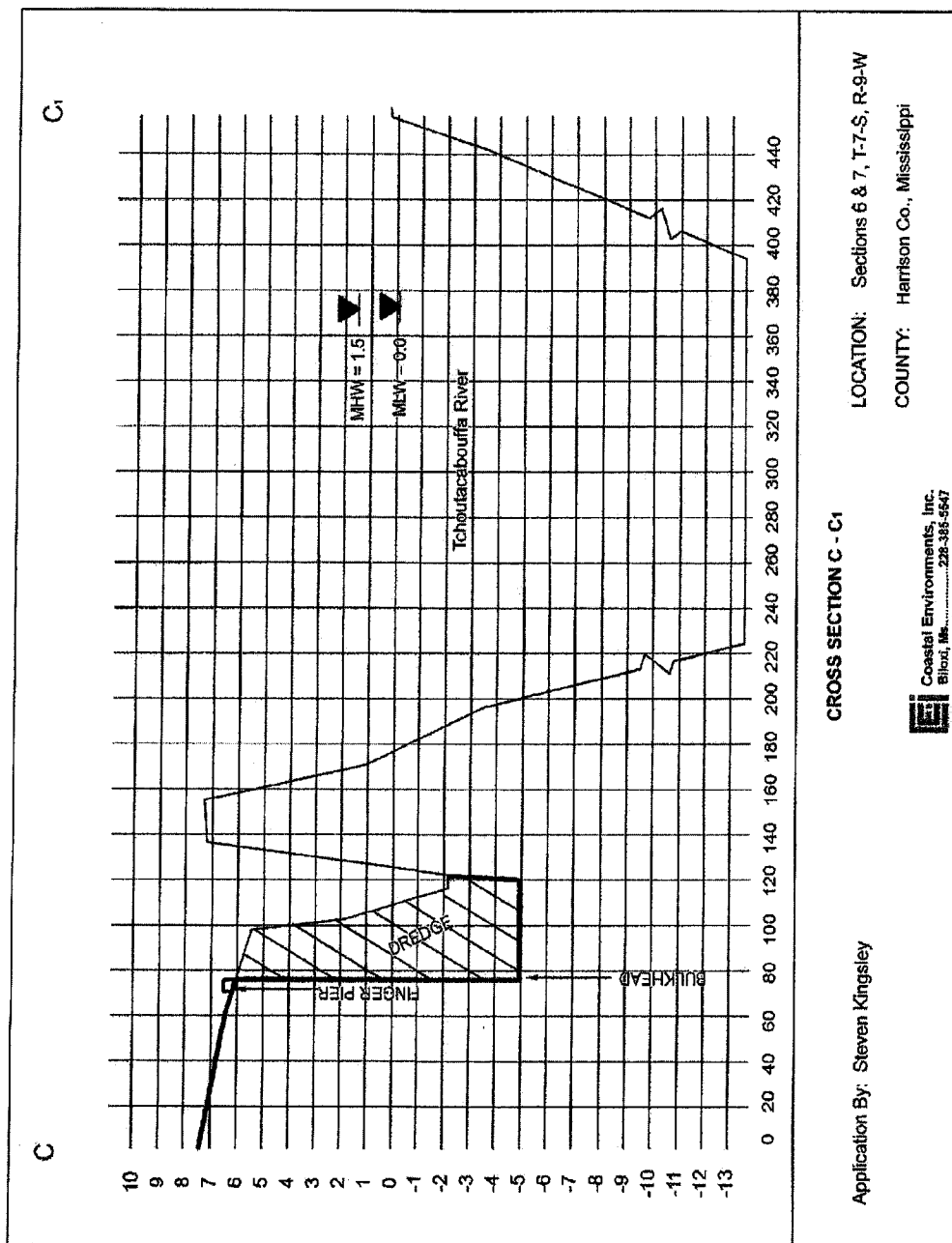
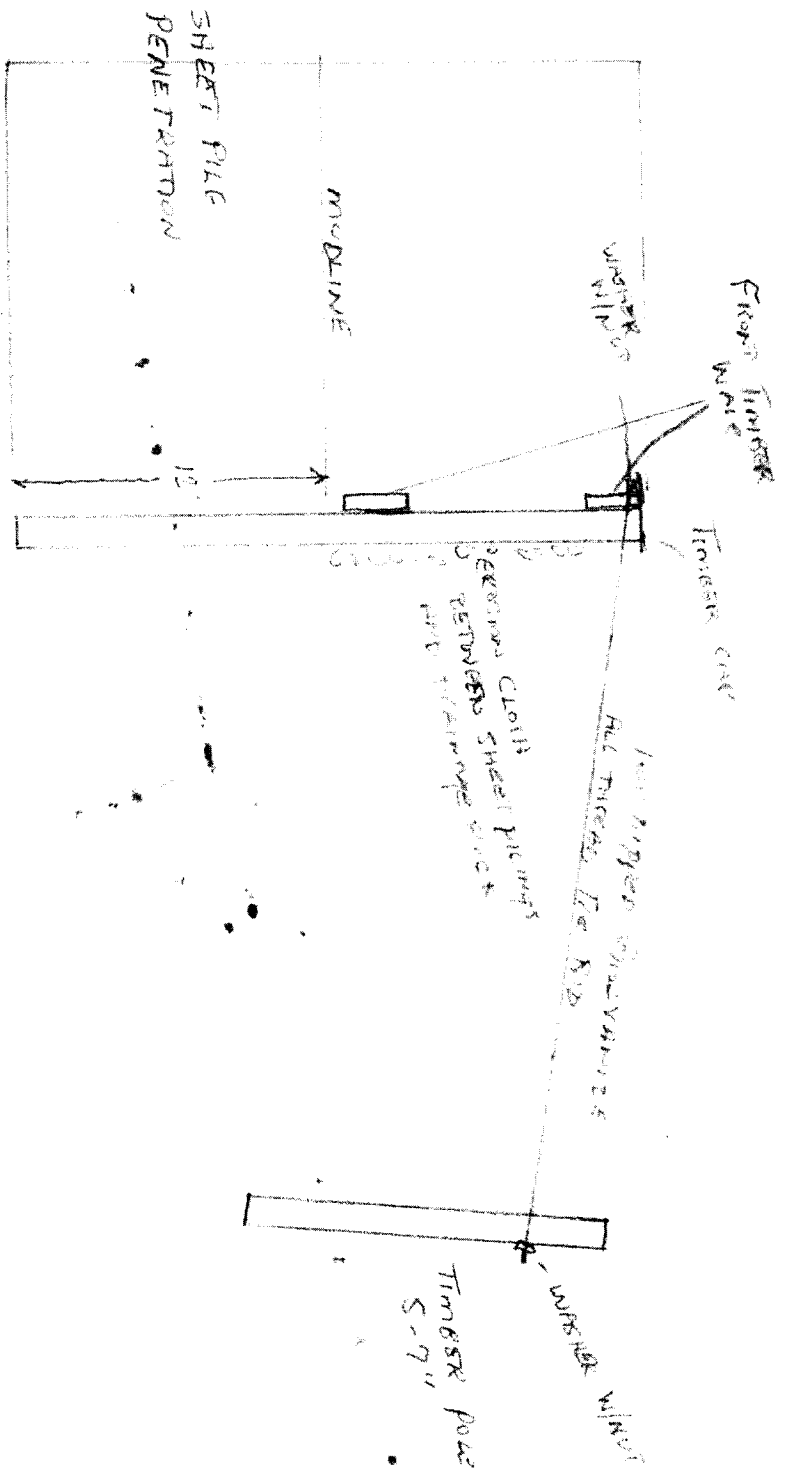


Figure 4. Cross Section C-C1 as referenced in Figure 2. Steven Kingsley property in Sections 6 & 7, T-7-S, R-9-W, Harrison County, MS

FIGURE 3
STEVEN KINGSLEY

PN SAM-2010-00476-MJF



TYPICAL BULKHEAD SECTION

ALL TIMBER TO MEET OR EXCEED
ANVR STANDARDS (C-1 AND C-1B) FOR
PRESERVATIVE TREATMENT AS APPROPRIATE

FIGURE 4
STEVEN KINGSLEY

PN SAM-2010-00476-MJF

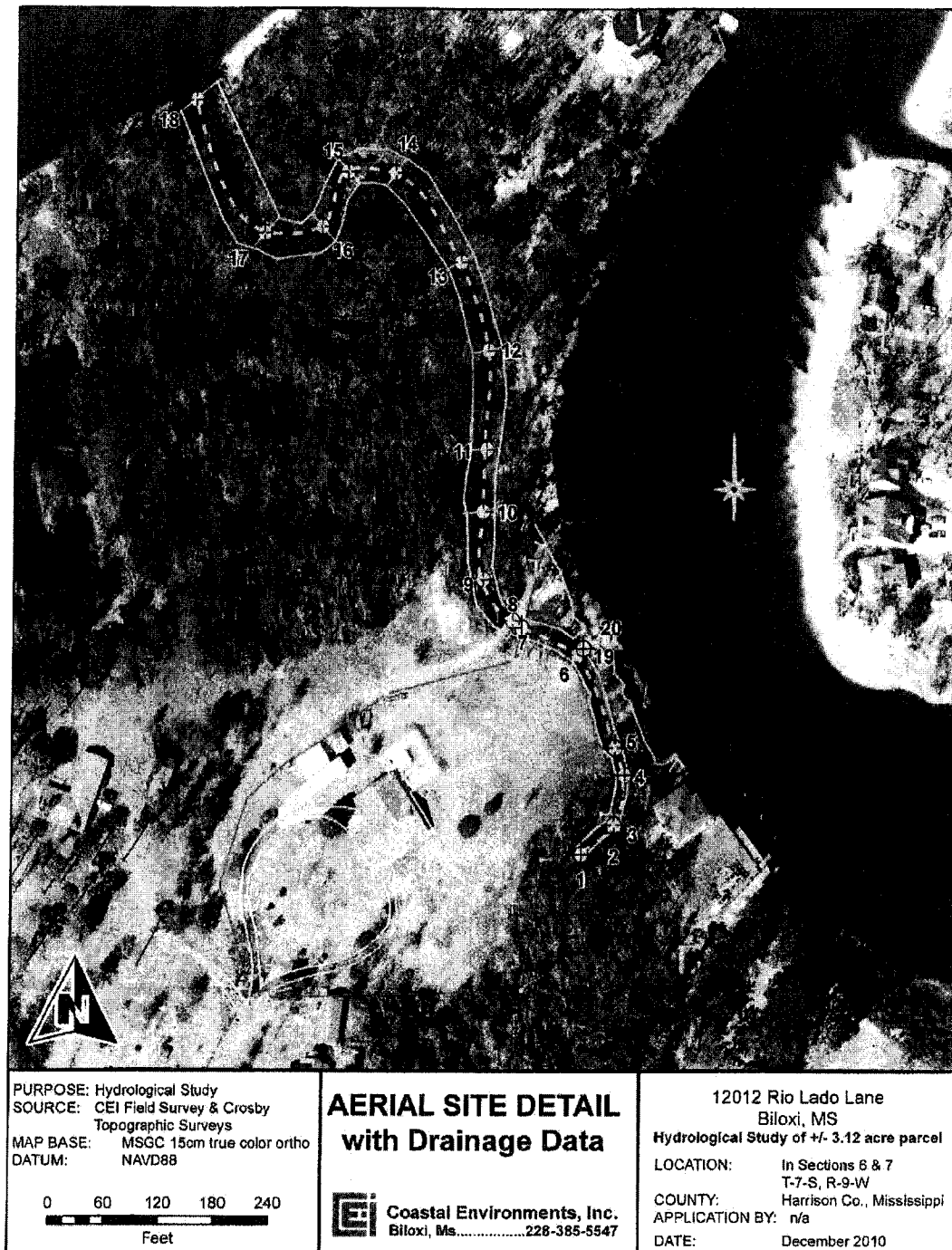


Figure 4. Aerial view with measurements of drainage channel of Steven Kingsley property in Sections 6 & 7, T-7-S, R-9-W, Harrison County, MS.

FIGURE 5
STEVEN KINGSLEY

A-4

PN SAM-2010-00476-MJF